

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUAN MANUEL DE LA TORRE,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,¹

Defendant.

Case No. 1:23-cv-0021 JLT BAM

ORDER ADOPTING THE FINDINGS AND
RECOMMENDATIONS, GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, DENYING DEFENDANT'S
REQUEST TO AFFIRM, AND REMANDING
FOR FURTHER PROCEEDINGS PURSUANT
TO SENTENCE FOUR OF 42 U.S.C. § 405(g)

ORDER DIRECTING ENTRY OF JUDGMENT
IN FAVOR OF PLAINTIFF JUAN MANUEL
DE LA TORRE AND AGAINST DEFENDANT
MARTIN O'MALLEY, COMMISSIONER OF
SOCIAL SECURITY

(Docs. 19, 21, 22)

Juan Manuel De La Torre initiated this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for disability insurance and supplemental security income benefits. (Doc. 1.) The assigned magistrate judge determined the administrative law judge erred in evaluating the medical record and failed to properly evaluate the persuasiveness of a medical opinion. (Doc. 20 at 7-11.) The magistrate judge found "the ALJ's decision is not supported by substantial evidence in the record as a whole and is not based on proper legal standards. (*Id.* at 12.) Therefore, the magistrate judge recommended Plaintiff's

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is substituted as the defendant in this suit.

1 motion for summary judgment be granted, the administrative decision be reversed, and the
2 judgment be entered in favor of Plaintiff. (*Id.*)

3 The Court served the Findings and Recommendations and notified the parties that any
4 objections were due within 14 days. (Doc. 20 at 12.) The Court advised the parties that the
5 failure to file timely objections may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson*
6 *v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Neither party filed objections, and the time to do
7 so has passed.

8 According to 28 U.S.C. § 636 (b)(1)(c), this Court conducted a *de novo* review of the case.
9 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
10 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued on February 28, 2024 (Doc. 20) are
12 **ADOPTED** in full.
- 13 2. Plaintiff's motion for summary judgment (Doc. 15) is **GRANTED**.
- 14 3. Defendant's request to affirm the decision (Doc. 18) is **DENIED**.
- 15 4. The matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for
16 further proceedings.
- 17 5. The Clerk of Court is directed to enter judgment in favor of Plaintiff Juan Manuel
18 De La Torre, and against Defendant Martin O'Malley, Commissioner of Social
19 Security, and to close this case.

20
21 IT IS SO ORDERED.

22 Dated: **March 15, 2024**


UNITED STATES DISTRICT JUDGE